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ABSTRACT

This brochure presents guidelines for victims of rape and sexual offenses in preparation for the legal and medical procedures which will follow the reporting of such an assault. The brochure states the hope that these guidelines will be useful to a victim in regaining control over the situation and in managing a difficult situation effectively. These topics are discussed: (1) initial considerations after the assault; (2) police department's response; (3) hospital staff's examination and medical considerations; (4) payment for physical examination and tests; (5) the in-depth interview; (6) lie detector test; (7) apprehension of the suspect; (8) bail; (9) preliminary hearing; (10) rape crisis counseling; (11) defense attorney; (12) grand jury; (13) arraignment; (14) pre-trial conference; (15) pre-trial motions; (16) the trial; (17) sentencing; (18) the appeal; and (19) change of address. The addresses and telephones numbers of rape crisis centers in Maryland are listed. (ABL)

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BASIC GUIDELINES

FOR VICTIMS OF

RAPE AND SEXUAL OFFENSES

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Introduction

Sexual assault is a frightening experience. Time is essential for recovery from the feelings that follow and for regaining a sense of control over one's life. Some people react by wanting to withdraw to recover alone. Generally, isolation perpetuates the feelings of helplessness. People who can talk about the experience and the painful feelings with close friends or family find that their recovery is more rapid.

There are medical, legal, and social services established to assist the person who has been sexually assaulted. It is important to seek medical attention for any physical injury that may have occurred and for any possibility of pregnancy or venereal disease.

It is our belief that the increased reporting of such crimes of violence will result in increased apprehension and convictions, thereby making the streets safer for all women.

To assist women in being less hesitant in reporting sexual assaults to the authorities, the Maryland Commission for Women has developed the following guidelines in preparation for the legal and medical procedures which will follow the reporting of such an assault.

We hope that these guidelines will be useful to any victim in regaining control over the situation and in managing a difficult situation effectively.

BASIC GUIDELINES FOR VICTIMS OF RAPE AND SEXUAL OFFENSE

1. Do not bathe, change clothes, apply medication or do or take anything to change your appearance. Do not smoke/drink. Try not to urinate or defecate. Do not douche. If you do, you may destroy evidence essential to prove your case.

2. Do not disturb the physical surroundings in which the assault took place. You may destroy essential evidence.

3. Call local or state police immediately. An immediate call to the police assists in establishing the credibility of your legal case.

POLICE DEPARTMENT WILL RESPOND by sending a uniformed officer.

1. The officer will question you to determine the nature of the assault and get information about the assailant - appearance, means of travel, etc. The officer will then relay this information to the rest of the patrol force, or take other appropriate action as dictated by the circumstances.

2. The officer will then offer, as required by law, to take you to the nearest hospital or facility which has been approved for the treatment of sexual offense victims. Accept the offer. Bring a complete set of clothes with you or ask someone to get them for you and bring them to the hospital. The clothing you are wearing may be collected as evidence.

3. Remember that any conversations with police or hospital may be used in court.

THE HOSPITAL STAFF EXAMINES YOU.

The physical examination has two purposes: to care for your needs and to collect evidence to support your case in court. It will be necessary to undergo a medical examination. A gynecological examination is necessary to confirm penetration. THIS IS ESSENTIAL IN PROVING THE CRIME IN COURT. If you like, this examination may be conducted by your personal physician; however, it is of utmost importance that it be performed as immediately as possible after the assault.

It is advisable to be examined at the designated medical facility in your area. These hospitals have physicians trained in the examination procedures for evidence gathering.

Minors may be examined without parental consent.

Unless you are seriously injured, the evidence should be collected first. The physician will look for material to establish the identity of the assailant (hairs, sperm type, bits of clothing fibers), prove penetration (sperm and semen), and indicate the lack of consent (injuries, bruises, material under finger nails). Oral swabbing is routine in many hospitals also. Be sure that the places which are tender or sore are recorded. A bruise may show up there the next day. Tell them of all the areas where sperm or semen might be found. This evidence is vital in obtaining a conviction.

There are five medical needs to be considered:

1. Treatment of injuries.

2. Consideration of possible pregnancy. This is an individual problem. If you are near the middle of your menstrual cycle and are not protected by contraceptives, there is a possibility of pregnancy from the assault.

The examining physician may or may not discuss this with you. Under Maryland law, hospitals and physicians have the right not to cover this if they so choose. They are also not required to make referrals to someone who will. You may request a test at the hospital to determine if you were pregnant prior to the time of the assault. This is particularly important, since the test must come back as "negative" if you wish to take pregnancy prevention medication. If you do want to take pregnancy prevention medication, it is vital that you fully investigate with a qualified physican its possible dangerous side effects before making your decision. Under no circumstances should you take this drug if your pregnancy test comes back as "positive". To prevent becoming pregnant, there are various alternatives open to you: pregnancy prevention medication, a copper-7 IUD inserted within the next two or three days, menstrual extraction if your next period is late, or abortion. You may want to consider continuing the pregnancy to term. Each method has possible side effects. Be sure you understand what they are before the choice of treatment is made. Some hospitals may wish to administer other medication for pregnancy and venereal disease prevention: Insist upon knowing what you are being given, for what purpose, and what other alternatives are available. You have the right to refuse any medication. IF YOU ARE ALLERGIC TO ANY MEDICATION, IMMEDIATELY INFORM THE PHYSICIAN.

3. Consideration of venereal disease. The most common venereal disease is gonorrhea. It is treated with penicillin or a substitute if you are allergic to penicillin. The physician may suggest waiting to see whether the disease develops in a week or so in order to spare you unnecessary medication. Syphilis is not detected until 6-8 weeks after exposure. Have a blood test then by your own physician or

health department clinic to be sure you are not infected. There are many other vaginal infections which are not reported to the health department. Each one has a different treatment. The examining physician should discuss with you what symptoms to look for and where to get prompt help for any problems.

4. Consideration of feelings and reactions to the experience. You may want to talk with someone at the hospital about the experience or you may prefer to seek counseling later. You may be given medication to help you. If you wish counseling, check to see if any of the following are available:

- Local Health Department
- Rape Crisis Center
- Local Human Resources Office
- Family Doctor
- Hospital Clinic
- Hotline
- Mental Health Professionals
- Clergyman

BRUISES

Visible injuries may have to be photographed. Bruises often do not show up for 24-48 hours. You should make arrangements at the time of your initial examination to return and be re-examined for such bruises.

PAYMENT FOR PHYSICAL EXAMINATION AND TESTS

The purpose of the medical examination is to provide evidence for proving the crime in court. Rape is the only crime for which medical evidence is collected. Therefore, the state will pay for the examination and any other treatment necessary to gather this evidence. If there are other injuries beyond what the state pays for, in excess of $100, you may wish to contact the Maryland Criminal Injuries Compensation Board, 1123 North Eutaw

Street, Suite 601, Baltimore, Maryland 21201; 301/523-5000. You may also want to contact your own insurance company.

IN-DEPTH INTERVIEW

Further questioning may take place by the same officer or different officers at the hospital while awaiting your physical examination, or at a local police station following the examination.

THE IN-DEPTH INTERVIEW IS ONE OF THE MOST IMPORTANT PHASES OF THE INVESTIGATION. It will cover all details of the assault and may be time consuming. It will be necessary for you to disclose specific details about the incident. With the understanding that confusion and embarrassment often occur, the interview is conducted in private.

THE QUESTIONS ASKED OF YOU ARE DESIGNED TO ASSIST YOU IN ACCURATELY RECALLING THE INCIDENT FOR PROPER PRESENTATION IN COURT TO PROVE THE ELEMENTS OF THE OFFENSE. You are the only one who can accurately relate what occurred, as well as details of the assailant's appearance, speech, and mannerisms, which help to identify the assailant.

You have the right to expect prompt, courteous and sympathetic treatment from law enforcement authorities. You will be expected to answer questions concerning the identity of the rapist and the circumstances of the rape. If you don't think the questions being asked are relevant, say so, and ask for an explanation. If you feel uncomfortable talking with a particular officer, ask to talk to the officer's supervisor.

In conducting a thorough investigation, the officers ask the victim many questions and will go over details of the crime. This is necessary because the victim frequently recalls addi-

tional information and details during subsequent interviews.

AFTER THE INTERVIEW

You may be asked to view photographs of previous offenders and possibly work out a sketch of the assailant with a police artist.

LIE DETECTOR TEST

You may be asked to take lie detector test. You have the legal right to refuse to take such a test. However, refusal to take the test may result in the belief on the part of law enforcement officers that your charges are questionable.

IF A SUSPECT IS APPREHENDED

If a suspect is apprehended, you might have to view the suspect in a line-up. If the assailant is personally known to you, or an identification is made, an application for a warrant will be obtained, which you may have to sign.

Social attitudes tend to discourage women from pressing charges - the attitude of the husband, the boyfriend, the family.

However, reporting the rape is the only way you can reduce the chances of another woman being raped. Remember, rapists are often "repeaters".

COURT PROCEDURES

BAIL

The defendant may be released on bail at any point in the legal process. Ideally, the State's Attorney's office or the court should notify you that the defendant is no longer in custody, but this rarely happens. You may, in fact,

see your assailant on the street after the arrest.

PRELIMINARY HEARING

It is possible that you may be called to testify at a preliminary hearing in an open courtroom in the presence of the suspect. In most instances, the preliminary hearing is waived by either the State directly to the Grand Jury or by the defendant directly to the State's Attorney's office. The purpose of a preliminary hearing when held is to determine whether there is sufficient evidence to try a case against the defendant.

RAPE CRISIS COUNSELING

In some jurisdictions, a counselor from a sexual assault center, rape crisis center, or victim-witness unit may accompany you, at your request, to pre-trial meetings and the trial. The counselor may also prepare you for the trial and help you deal with any feelings that may arise as a result of the trial.

DEFENSE ATTORNEY

There may be occasions when you will be contacted by a representative of the defendant - either an attorney or an investigator. The defense attorney may be from the Office of the Public Defender. YOU ARE NOT REQUIRED TO TALK WITH ANY REPRESENTATIVE OF THE PERSON CHARGED WITH THE OFFENSE. If you wish to, and have any questions, contact the police investigators assigned to your case or the State's Attorney's Office.

THE GRAND JURY

The Grand Jury is a group of individuals responsible for examining accusations made against a person charged

with committing a crime. If the evidence presented is strong enough, the Grand Jury makes formal charges and the defendant is later tried on these charges, called indictments.

In some cases, you will not be required to appear before the Grand Jury, since your testimony will be presented by your investigators. If you are called to appear, the investigators and/or the State's Attorney's office will explain the proceedings. Any testimony you give before the Grand Jury must be given in private; therefore, only you will be allowed to appear.

THE ARRAIGNMENT

The purpose of the arraignment is to serve the indictment handed down from the Grand Jury upon the defendant and to determine if the defendant has counsel. The defendant then enters a plea - guilty or not guilty - and the court ensures that the defendant understands the charges.

You will not be required to attend.

THE PRE-TRIAL CONFERENCE

Ideally, before you appear in court, you should meet with the State's Attorney assigned to your case. The State's Attorney will explain court procedures and what may be expected of you during the trial. In the event that you are not contacted by them, you should request such a meeting.

Unfortunately, this is not always the procedure. In the larger counties and Baltimore City, you may be informed which Assistant State's Attorney has been assigned to your case only prior to the trial.

PRE-TRIAL MOTIONS

Pre-trial motions are presented to a judge before the trial begins. They are used by the defense attorney to keep certain evidence, such as confes-

sions or searches of the suspect, from being presented at the trial. You will probably not need to appear.

THE TRIAL

During the trial, you and all other witnesses will be required to testify in open court. You will be expected to give a complete account of the assault. The defense attorney will then subject you to "cross examination", questions which are generally designed to disprove the victim's testimony and may be difficult for you to undergo. This is why the pre-trial conference with the State's Attorney is important.

The results of your medical examination, any laboratory analysis results, and testimony of other witnesses will also be presented at the trial.

During the trial, remember that you are not the criminal, you are not on trial. If you keep this firmly in mind, you will be a very effective witness.

THE SENTENCING

If the defendant is found guilty, the trial judge imposes sentence at a later date. You may attend the sentencing if you like, but you are not required to be present.

THE APPEAL

Once a trial is completed, a convicted assailant has the right to appeal the conviction, but the State (i.e., the prosecution), does not have the right to appeal a finding of not guilty.

CHANGE OF ADDRESS

Be sure to notify police and State's Attorney's Office of any change in address. If they can't find you, they can't prosecute the case.

RAPE CRISIS CENTERS IN MARYLAND

ANNE ARUNDEL COUNTY

Sexual Offenses Crisis Center of Anne Arundel County
62 Cathedral Street
Annapolis, Md. 21401
263-0330 - 24-hour hotline

BALTIMORE CITY

Baltimore Center for Victims of Sexual Assault
128 West Franklin St.
Baltimore, Md. 21201
366-RAPE - 24-hour hotline

BALTIMORE COUNTY

Sexual Assault/Domestic Violence Center
Suite 112, Medical Arts Building
9101 Franklin Square Drive
Baltimore, Maryland 21237
391-2345 - 24-hour hotline
391-2396 - business

HARFORD COUNTY

Sexual Assault/Spouse Abuse Resource Center
34 W. Philadelphia Blvd.
Aberdeen, Md. 21001
272-7050 - 8:30 AM-4:30 PM
838-1588 - evenings, weekends, holidays

HOWARD COUNTY

Howard County Rape Crisis Center
P.O. Box 201
Columbia, Md. 21045
997-3292 - 24-hour hotline
997-2502 - business

MONTGOMERY COUNTY

Community Crisis Center/Sexual Assault Services
4910 Auburn Avenue
Bethesda, Maryland 20014
656-9449 - 24-hour hotline

PRINCE GEORGE'S COUNTY

Prince George's County Sexual
Assault Center
Prince George's General Hospital
& Medical Center
Department of Psychiatry
Cheverly, Maryland 20785
341-4942 - 24-hour hotline
341-2005 - business

WICOMICO COUNTY

749-HELP - hotline 6 PM - 2 AM

"Equality of rights under the law shall not be abridged or denied because of sex."

Article 46
Declaration of Rights
Maryland Constitution

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